

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2334 OF 2004

Shivsharan Sidmalappa Chitali
Petitioner

.....

V/s

The Secretary, Jivajirao Shikshan Prasarak Mandal, & Ors..
Respondents.

Office Notes, Office) Court's or Judge's Orders
Memoranda of Coram, appearances)
Court's orders or directions and)
Registrar's orders.)

Mr.Vijay Killedar i/by Nitin Jamdar, Adv.
for the petitioner.

Mr.Ujwal R. Angandsurve for R.No.4.

CORAM: A.P. DESHPANDE, J.
15.3.2007

PC:

The judgment and order passed by the School Tribunal rejecting the appeal filed by the present petitioner is challenged by filing of the instant petition. The petitioner claimed before the Tribunal higher pay scale which is admissible to a trained graduate teacher. It is further contended that the petitioner's claim to higher pay scale

stands superseded by its grant to respondent No.4. The petitioner so also the respondent were earlier drawing scale admissible to undergraduate trained teacher. The Tribunal has on merits held that the action on the part of the management in granting higher pay scale to respondent is justified. Perusal of section 9 would reveal that an appeal is maintainable on the ground of supersession of the claim only when the said supersession is in regard to appointment to a promotional post. In the present case no one has been granted promotion and only higher pay scale has been granted to the respondent. In this view of the matter, appeal itself was misconceived. This aspect of the matter has not been dealt with by the Tribunal but the Tribunal has rejected the appeal on merit. Perused the judgment and order. It does not call for any interference. Hence petition is summarily dismissed.

15.3.07.